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SERIES II No. 9

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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN
AND DIU

Secretaria

ORDER

PDD/MC/2577/65

Shri A. S. Lele, who was temporarily appointed on deputation to the post of Administrative Officer in the Goa Medical College by Government Order No. PDD/MC/2577/64 dated 6th February, 1965, has been relieved of his post with effect from the afternoon of 1st May, 1965, and on relief, his services are placed at the disposal of Topiwala National Medical College, Bombay.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 11th May, 1965.

General Administration Department
Civil Administration Services

Order

Sripada Govinda Sinai Quencro, temporary 1st grade clerk of the Administration of Goa Comunidades — has approved service of 20 years, 5 months and 4 days, rendered to the Comunidades required for retirement, including the percentage of 20% as per section 435 of Civil Service Regulation.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

Sripad Anant Nadkarni, Ex-officio Secretary.

Panjim, 17th May, 1965.

Order

The temporary appointment of Shri Jose Antonio da Piedade de Melo to the post of 2nd grade clerk of Malar-Naroa Comunidades (group), made by order dated 25-2-1963, published in the Government Gazette no. 11, series II, dated 14-3-1963, and lately renewed by order dated 10-4-1964,

(Tradução)
GOVERNO DE GOA, DAMÃO
E DIO

Secretaria

Portaria

PDD/MC/2577/65

O Sr. A. S. Lele, que havia sido temporariamente nomeado, em comissão de serviço, para o lugar de oficial administrativo da Faculdade de Medicina de Goa, pela Portaria n.º PDD/MC/2577/64, de 6 de Fevereiro de 1965, foi dispensado dessas funções, com efeito a partir de 1 de Maio de 1965, após o meio-dia, e os seus serviços foram postos à disposição do «Topiwala National Medical College», de Bombaim.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

B. K. Chougule, Secretário do Departamento de Indústrias e Trabalho.

Pangim, 11 de Maio de 1965.

Departamento da Administração Geral
Serviços de Administração Civil

Portaria

Sripada Govinda Sinai Quencro, auxiliar de 1.ª classe, interino, da Administração das Comunidades de Goa — liquidado, em vista da respectiva certidão, o tempo de serviço em 20 anos, 5 meses e 4 dias prestado às comunidades, para efeitos de aposentação, inclusive o aumento de um quinto, nos termos do artigo 435.º do Estatuto do Funcionalismo Ultramarino, segundo a redacção dada pelo artigo único do Decreto n.º 43 638, de 2 de Maio de 1961.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

Sripad Anant Nadkarni, Secretário ex-officio.

Pangim, 17 de Maio de 1965.

Portaria

José António da Piedade de Melo — renovada, a partir de 14 de Maio de 1965, por mais um ano, a nomeação interina para o lugar de escrivão de 2.ª classe das comunidades de Malar-Naroá (grupo), efectuada por portaria de 25 de Fevereiro de 1963, publicada no Boletim Oficial n.º 11

published in the Government Gazette no. 16, series II, dated 16th of the same month, is renewed from 14th May, 1965, for a further period of one year.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

Sripad Anant Nadkarni, Ex-officio Secretary.

Panjim, 17th May, 1965.

By notification dated 19th May, 1965:

Louis George — relieved from the post of president of managing committee of Revora Comunidade.

Office of the Registrar of Societies

Orders

DCA/RS/65/7648

In the exercise of the powers vested in the Director of Civil Administration, Goa, Daman and Diu, under Government Notification dated 6th June 1964, published in the Government Gazette no. 24, Series II, dated 11th June 1964 the Society, viz. «The Obstetrics and Gynaecological Society», Margão, is registered today at Serial no. 59 of 1965 under the Societies Registration Act, 1860.

Sripad Anant Nadkarni, Registrar of Societies and Director of Civil Administration.

Panjim, 21st May, 1965.

DCA/RS/65/7649

In the exercise of the powers vested in the Director of Civil Administration, Goa, Daman and Diu, under Government Notification dated 6th June 1964, published in the Government Gazette no. 24, Series II, dated 11th June 1964 the Society, viz. «The All Goa Secondary School Teachers' Association», Margão, is registered today at Serial no. 60 of 1965 under the Societies Registration Act, 1860.

Sripad Anant Nadkarni, Registrar of Societies and Director of Civil Administration.

Panjim, 24th May, 1965.

Directorate of Civil Administration Services, of Goa, 27th May, 1965.—The Director, *Sripad Anant Nadkarni* (Ex-officio Secretary).

Planning and Development Department

Development Department

Notification

In pursuance of sub-clause (e) of clause (2) of the Goa, Daman and Diu Cement Control Order, 1965 the Administrator of Goa, Daman and Diu is hereby pleased to appoint the following officers as Licensing Authority for the purpose of clauses mentioned against their designations:

1. Mamlatdar of area concerned for the purpose of clauses 12 and 13 of the Order.
2. Inspecting staff of Directorate of Civil Supplies and Price Control, Block Development Officers, Forest Guards and Police Officers of the rank not below of the Inspector for the purpose of clause 13 of the order.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

Panjim, 15th May, 1965.

de 14 de Março de 1963, e ultimamente renovada por portaria de 10 de Abril de 1964, publicada no *Boletim Oficial* n.º 16, 2.ª série, de 16 do mesmo mês.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

Sripad Anant Nadkarni, Secretário ex-officio.

Pangim, 17 de Maio de 1965.

Por despacho de 19 de Maio de 1965:

Louis George — exonerado do cargo de presidente da junta administrativa da comunidade de Revorá.

Repartição do Registador de Sociedades

Portarias

DCA/RS/65/7648

No uso das faculdades conferidas ao Director dos Serviços de Administração Civil de Goa, Damão e Dio, por portaria de 6 de Junho de 1964, publicada no *Boletim Oficial* n.º 24, 2.ª série, de 11 de Junho de 1964, a sociedade «The Obstetrics and Gynaecological Society», de Margão, é registada sob o n.º de ordem 59, de 1965, ao abrigo do «Societies Registration Act, 1860».

Sripad Anant Nadkarni, Registador de Sociedades e Director dos Serviços de Administração Civil.

Pangim, 21 de Maio de 1965.

DCA/RS/65/7649

No uso das faculdades conferidas ao Director dos Serviços de Administração Civil de Goa, Damão e Dio, por portaria de 6 de Junho de 1964, publicada no *Boletim Oficial* n.º 24, 2.ª série, de 11 de Junho de 1964, a sociedade «The All Goa Secondary School Teacher's Association», de Margão, é registada sob o n.º de ordem 60, de 1965, ao abrigo do «Societies Registration Act, 1860».

Sripad Anant Nadkarni, Registador de Sociedades e Director dos Serviços de Administração Civil.

Pangim, 24 de Maio de 1965.

Direcção dos Serviços de Administração Civil, em Goa, 27 de Maio de 1965.—O Director, *Sripad Anant Nadkarni* (Secretário ex-officio).

Departamento de Planificação e Fomento

Departamento de Fomento

Despacho

De harmonia com a alínea (e) do artigo (2) de «The Goa, Daman and Diu Cement Control Order, 1965», o Administrador de Goa, Damão e Dio, designa os funcionários abaixo mencionados como autoridade licenciadora para os efeitos dos artigos indicados em relação aos mesmos:

1. Mamlatdar da respectiva área. Para os fins dos artigos 12.º e 13.º da citada portaria.
2. Pessoal de Inspecção da Direcção dos Serviços de Abastecimento Civil e Controlo de Preços, Block Development Officers, guardas florestais e oficiais da polícia de categoria não inferior a de inspector. Para os fins do artigo 13.º da citada portaria.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

A. F. Couto, Comissário de Fomento.

Pangim, 15 de Maio de 1965.

Land Acquisition Act, 1894 (Act I of 1894)

No. LQN — 18/93 — Whereas it appears to the Government of Goa, Daman and Diu (hereinafter referred to as «the Govt.») that the land specified in the schedule hereto (hereinafter referred to as the «said land») is needed for the public purpose viz, for construction of Mapuca Block Development Office, Agricultural godown and staff quarters etc.

It is hereby notified under the provisions of section 4 of the Land Acquisition Act, 1894 (Act I of 1894) that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyors or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, lease, mortgage, assignment, exchange, or otherwise, or any outlay or improvements made therein without the sanction of the Collector after the date of this notification, will, under section 24 (seventh) of the said Act, be disregarded by the officer assessing compensation for such parts of the said land as may be finally acquired.

3. The Govt. is further pleased to direct under sub-section (4) of section 17 of the said Act that as the acquisition of the said land is urgently necessary, the provisions of section 5 A, of the said Act shall not apply in respect of the said land.

4. The Government is also pleased to authorise under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Director of P. W. D. Goa, Daman and Diu.
2. The Director of Industries, Mines and Land Survey.
3. The Block Development Officer, Mapuca.

SCHEDEULE

Concelho	Village	Description of the said land	Approximate area
Mapuca	Bardez	Land belonging to the Comunidade of Mapuca and constituting part of lots Nos. 341 and 342.	5025 sq. metres.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

D. V. Savant, Deputy Secretary (Health and P.W.D.);
Panjim, 3rd May, 1965.

Office of the Registrar Cooperative Societies

Notifications

PRD-(a)-34-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu «Pottery Sahakari Audyogik Utpadak Societies Ltd.», Xeldem, Quepem is registered under code symbol PRD-(a)-34-/Goa.

T. A. Pratinidhi, Registrar of Co-operative Societies Goa, Daman and Diu.

Panjim, 18th February, 1965.

RES-(c)-183-/Goa

In exercise of the powers vested in the Assistant Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu Sarzora Service Cooperative Society Ltd., Sarzora, Salcete is registered under code symbol RES-(c)-183-/Goa.

S. S. Bhende, Assistant Registrar of Co-operative Societies Goa, Daman and Diu.

Panjim, 20th February, 1965.

Land Acquisition Act, 1894 (Act I of 1894)

N.º LQN — 18/93 — Considerando que o Governo de Goa, Damão e Diu (referido daqui em diante como «Governo») acha de utilidade pública o terreno especificado no quadro anexo (referido daqui em diante como «aludido terreno») para os fins da construção do Block Development Office em Mapuca, armazém agrícola e blocos residenciais para o pessoal, etc;

Torna-se público, ao abrigo do disposto no artigo 4.º do Land Acquisition Act, 1894 (Act I of 1894) que o aludido terreno é necessário para os fins públicos acima referidos.

2. Os interessados no aludido terreno são por este avisados a não impedir ou interferir com os agrimensores e outro pessoal em serviço no aludido terreno para os fins da aquisição do mesmo. Quaisquer contratos para alienação do aludido terreno, por meio de venda, arrendamento, hipoteca, cedência, troca ou de qualquer outra forma, ou quaisquer projectos ou melhoramentos feitos no mesmo, sem autorização do Collector, depois da data deste aviso, não serão tomados em consideração, ao abrigo do artigo 24.º (sétimo do referido Act), pelos funcionários encarregados de atribuir compensação pelas partes do aludido terreno que venham a ser finalmente adquiridas.

3. O Governo mais determina, ao abrigo da alínea (4) do artigo 17.º do referido Act, que como a aquisição do aludido terreno é de urgente necessidade, o disposto no artigo 5A do referido Act não será aplicável em relação ao mesmo terreno.

4. O Governo também autoriza, ao abrigo da alínea (2) do artigo 4.º do referido Act, as seguintes entidades oficiais para exercerem as funções especificadas na mesma lei, em relação ao aludido terreno:

1. Director das Obras Públicas de Goa, Damão e Diu.
2. Director de Indústrias, Minas e Agrimensura de Goa, Damão e Diu.
3. Block Development Officer, de Mapuca.

QUADRO

Concelho	Aldeia	Descrição do aludido terreno	Área aproximada
Bardês	Mapuça	Terreno pertencente a comunidade de Mapuca e fazendo parte dos lotes n.º 341 e 342.	5025 m ²

Por ordem e em nome do Administrador do território da União de Goa, Damão e Diu.

D. V. Savant, Secretário adjunto (Saúde e Obras Públicas).
Pangim, 3 de Maio de 1965.

Repartição do Registrador de Sociedades Cooperativas

Despachos

PRD-(a)-34-/Goa

No uso das faculdades conferidas ao Registrador de Sociedades Cooperativas de Goa, Damão e Diu, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», conforme foi tornado extensivo ao território da União, de Goa, Damão e Diu, a «Pottery Sahakari Audyogik Utpadak Society Ltd», de Xeldem, Quepém, é registada sob o n.º PRD-(a)-34-/Goa.

T. A. Pratinidhi, Registrador de Sociedades Cooperativas de Goa, Damão e Diu.

Pangim, 18 de Fevereiro de 1965.

RES-(c)-183-/Goa

No uso das faculdades conferidas ao Registrador Adjunto de Sociedades Cooperativas, de Goa, Damão e Diu, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», conforme foi tornado extensivo ao território da União, de Goa, Damão e Diu, a «Sarzora Service Cooperative Society Ltd», de Sarzora Salcete, é registada sob o n.º RES-(c)-183-/Goa.

S. S. Bhende, Registrador Adjunto de Sociedades Cooperativas de Goa, Damão e Diu.

Pangim, 20 de Fevereiro de 1965.

CON-33-/Goa

In exercise of the powers vested in the Assistant Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu Gosalia Mines Consumers' Cooperative Society Ltd. (Melca Group) Melca, Sancordém, Sanguem is registered under code symbol CON-33-/Goa.

S. S. Bhende, Assistant Registrar of Co-operative Societies Goa, Daman and Diu.

Panjim, 26th February, 1965.

PRD-(c)-35-/Daman

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu Kachigam Juth Dairy Cooperative Society Ltd., Kachigam, Daman is registered under code symbol PRD-(c)-35-/Daman.

T. A. Pratinidhi, Registrar of Co-operative Societies Goa, Daman and Diu.

Panjim, 27th February, 1965.

CON-34-/Goa

In exercise of the powers vested in the Asst. Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu Gosalia Betul Mine Cooperative Consumers' Society Ltd., Betul, Quepem is registered under code symbol CON-34-/Goa.

S. S. Bhende, Assistant Registrar of Co-operative Societies Goa, Daman and Diu.

Panjim, 5th March, 1965.

GEN-(c)-12-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu Quepem Block Poultry Cooperative Society Ltd., Quepem is registered under code symbol GEN-(c)-12-/Goa.

T. A. Pratinidhi, Registrar of Co-operative Societies Goa, Daman and Diu.

Panjim, 10th March, 1965.

HSG-(b)-3-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu Shri Damodhar Cooperative Housing Society Ltd., Aquém Margao is registered under code symbol HSG-(b)-3-/Goa.

PRD-(c)-36-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu Shri Mahadev Sahakari Duh Vyavasayik Sanstha Ltd., Sangod-Molem is registered under code symbol PRD-(c)-36-/Goa.

GEN-(b)-4-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu Siolim-Oxel Sahakari Vahatuk Vyavasayik Sanstha Ltd., Siolim-Bardez is registered under code symbol GEN-(b)-4-/Goa.

T. A. Pratinidhi, Registrar of Co-operative Societies Goa, Daman and Diu.

Panjim, 22nd March 1965.

CON-33-/Goa

No uso das faculdades conferidas ao Registador Adjunto de Sociedades Cooperativas de Goa, Damão e Dío, pelo artigo 9.^º de «The Maharashtra Co-operative Societies Act, 1960», conforme foi tornado extensivo ao território da União de Goa, Damão e Dío, a «Gosalia Mines Consumers' Cooperative Society Ltd. (Melca Group)» de Melca, Sancordém, Sanguém, é registada sob o n.º CON-33-/Goa.

S. S. Bhende, Registador Adjunto de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 26 de Fevereiro de 1965.

PRD-(c)-35-/Daman

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas de Goa, Damão e Dío, pelo artigo 9.^º de «The Maharashtra Co-operative Societies Act, 1960», conforme foi tornado extensivo ao território da União de Goa, Damão e Dío, a «Kachigam Juth Dairy Cooperative Society Ltd.» de Kachigam, Damão, é registada sob o n.º PRD-(c)-35-/Daman.

T. A. Pratinidhi, Registador de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 27 de Fevereiro de 1965.

CON-34-/Goa

No uso das faculdades conferidas ao Registador Adjunto de Sociedades Co-operativas de Goa, Damão e Dío, pelo artigo 9.^º de «The Maharashtra Co-operative Societies Act, 1960», conforme foi tornado extensivo ao território da União de Goa, Damão e Dío, a «Gosalia Betul Mine Cooperative Consumers' Society Ltd.», de Betul, Quepém, é registada sob o n.º CON-34-/Goa.

S. S. Bhende, Registador Adjunto de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 5 de Março de 1965.

GEN-(c)-12-/Goa

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas de Goa, Damão e Dío, pelo artigo 9.^º de «The Maharashtra Co-operative Societies Act, 1960», conforme foi tornado extensivo ao território da União de Goa, Damão e Dío, a «Quepem Block Poultry Cooperative Society Ltd.», de Quepém, é registada sob o n.º GEN-(c)-12-/Goa.

T. A. Pratinidhi, Registador de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 10 de Março de 1965.

HSG-(b)-3-/Goa

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas de Goa, Damão e Dío, pelo artigo 9.^º de «The Maharashtra Co-operative Societies Act, 1960», conforme foi tornado extensivo ao território da União de Goa, Damão e Dío, a «Shri Damodhar Cooperative Housing Society Ltd.», de Aquém, Margão, é registada sob o n.º HSG-(b)-3-/Goa.

PRD-(c)-36-/Goa

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas de Goa, Damão e Dío, pelo artigo 9.^º de «The Maharashtra Co-operative Societies Act, 1960», conforme foi tornado extensivo ao território da União de Goa, Damão e Dío, a «Shri Mahadev Sahakari Duh Vyavasayik Sanstha Ltd.», de Sangod-Molém, é registada sob o n.º PRD-(c)-36-/Goa.

GEN-(b)-4-/Goa

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas de Goa, Damão e Dío, pelo artigo 9.^º de «The Maharashtra Co-operative Societies Act, 1960», conforme foi tornado extensivo ao território da União de Goa, Damão e Dío, a «Siolim-Oxel Sahakari Vahatuk Vyavasayik Sanstha Ltd.», de Siolim, Bardés, é registada sob o n.º GEN-(b)-4-/Goa.

T. A. Pratinidhi, Registador de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 22 de Março de 1965.

CON-35-/Goa

In exercise of the powers vested in the Asst. Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu The Orient Ltd. Mine Workers' Consumers Cooperative Society Ltd., Usgão, Bicholim is registered under code symbol CON-35-/Goa.

S. S. Bhende, Assistant Registrar of Co-operative Societies Goa, Daman and Diu.

Panjim, 11th March, 1965.

CON-35-/Goa

No uso das faculdades conferidas ao Registador Adjunto de Sociedades Co-operativas de Goa, Damão e Dío, pelo artigo 9.º de «The Maharashtra Co-operative Societies Act, 1960» conforme foi tornado extensivo ao território da União, de Goa, Damão e Dío, a «The Orient Ltd. Mine Workers' Consumers Cooperative Society Ltd.», de Usgão, Bicholim, é registada sob o n.º CON-35-/Goa.

S. S. Bhende, Registador Adjunto de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 11 de Março de 1965.

HSG-(b)-4-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, «Adarsh Cooperative Housing Society Ltd.» Panjim is registered under code symbol HSG-(b)-4-/Goa.

T. A. Pratinidhi, Registrar of Cooperative Societies Goa, Daman and Diu.

Panjim, 27th March, 1965.

HSG-(b)-4-/Goa

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas, de Goa, Damão e Dío, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», conforme foi tornado extensivo ao território da União, de Goa, Damão e Dío, a «Adarsh Cooperative Housing Society Ltd.», de Pangim, é registada sob o n.º HSG-(b)-4-/Goa.

T. A. Pratinidhi, Registador de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 27 de Março de 1965.

GEN-(c)-13-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, «Siolim-Oxel Toddy Tappers Cooperative Society Ltd.» Siolim-Bardez is registered under the code symbol GEN-(c)-13-/Goa.

T. A. Pratinidhi, Registrar of Cooperative Societies Goa, Daman and Diu.

Panjim, 29th March, 1965.

GEN-(c)-13-/Goa

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas, de Goa, Damão e Dío, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», conforme foi tornado extensivo ao território da União, de Goa, Damão e Dío, a «Siolim-Oxel Toddy Tappers Cooperative Society Ltd.», de Siolim, Bardes, é registada sob o n.º GEN-(c)-13-/Goa.

T. A. Pratinidhi, Registador de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 29 de Março de 1965.

RES-(a)-185-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, «Ponda Primary Teachers' Cooperative Credit Society Ltd.» Ponda is registered under code symbol RES-(a)-185-/Goa.

T. A. Pratinidhi, Registrar of Cooperative Societies Goa, Daman and Diu.

Panjim, 30th March, 1965.

RES-(a)-185-/Goa

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas, de Goa, Damão e Dío, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», conforme foi tornado extensivo ao território da União, de Goa, Damão e Dío, a «Ponda Primary Teachers' Cooperative Credit Society Ltd.», de Ponda, é registada sob o n.º RES-(a)-185-/Goa.

T. A. Pratinidhi, Registador de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 30 de Março de 1965.

CON-36-/Goa

In exercise of the powers vested in the Assistant Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, «Shri Damodar Vidyalaya Students Consumers' Cooperative Society Ltd.» Margão is registered under code symbol CON-36-/Goa.

RES-(c)-184-/Goa

In exercise of the powers vested in the Assistant Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, «Davorli Dicarpale Service Cooperative Society Ltd.» Davorli, Salcete is registered under code symbol RES-(c)-184-/Goa.

S. S. Bhende, Assistant Registrar of Cooperative Societies Goa, Daman and Diu.

Panjim, 31st March, 1965.

CON-36-/Goa

No uso das faculdades conferidas ao Registador Adjunto de Sociedades Cooperativas de Goa, Damão e Dío, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», conforme foi tornado extensivo ao território da União, de Goa, Damão e Dío, a «Shri Damodar Vidyalaya Students Consumers' Cooperative Society Ltd.», de Margão, é registada sob o n.º CON-36-/Goa.

RES-(c)-184-/Goa

No uso das faculdades conferidas ao Registador Adjunto de Sociedades Cooperativas de Goa, Damão e Dío, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», conforme foi tornado extensivo ao território da União, de Goa, Damão e Dío, a «Davorli Dicarpale Service Cooperative Society Ltd.», de Davorli, Salsete, é registada sob o n.º RES-(c)-184-/Goa.

S. S. Bhende, Registador Adjunto de Sociedades Cooperativas de Goa, Damão e Dío.

Pangim, 31 de Março de 1965.

CON-37-/Goa

In exercise of the powers vested in the Assistant Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as

CON-37-/Goa

No uso das faculdades conferidas ao Registador Adjunto de Sociedades Cooperativas de Goa, Damão e Dío, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», con-

applied to the Union Territory of Goa, Daman and Diu, «Fomento Employees Consumers Cooperative Society Ltd.» Margao is registered under code symbol CON-37-/Goa.

S. S. Bhende, Assistant Registrar of Cooperative Societies Goa, Daman and Dio.

Panjim, 27th April, 1965.

PRD-(a)-37-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, «Shri Mahamaya Prasadik Kulal Udhog Cooperative Society Ltd.» Bordem, Bicholim is registered under code symbol PRD-(a)-37-/Goa.

GEN-(c)-14-/Goa

In exercise of the powers vested in the Registrar of Cooperative Societies, Goa, Daman and Diu under section 9 of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, «Mormugao Fisheries Cooperative Society Ltd.» Vasco da Gama is registered under code symbol GEN-(c)-14-/Goa.

T. A. Pratinidhi, Registrar of Cooperative Societies Goa, Daman and Diu.

Panjim, 30th April, 1965.

Education, Public Health and Public Works

Goa Medical College

Order

The appointment of Maria Ivone dos Remedios Gomes da Costa, assistant of group of subjects «Botanica geral e criptogamica; Zoologia Farmaceutica; Historia natural das drogas; Farmacia galenica e posologia; Tecnica farmaceutica e historia de farmacia, legislacao e deontologia» of Pharmaceutical course of Goa Medical School, is hereby extended for another period of one year with effect from 28th April 1965, in accordance with the provision of article 18 of Decree no. 35610, of 24th April 1946.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 13th May, 1965.

Declaration

Examination for different courses of Nursing were held in the Goa Medical College as follows with the corresponding sittings:

Hospital de Santa Casa de Misericordia de Ribandar from 23rd to 31st March and 30th April 1965 — 9 sittings.

Hospital do Hospicio do Sagrado Coração de Maria de Margao from 30th March to 7th April and 22nd and 23rd April 1965 — 9 sittings.

The Dean, Goa Medical College, Dr. Anthony Charles Duarte Monteiro, presided 7 sittings; the Acting Dean Dr. K. Raman presided 10 sittings and Dr. U. R. Warerkar presided 1 sitting; Dr. Jacinto dos Milagres Estibeiro was member of the Board for nursing course and attended 1 sitting; Dr. Venctexa Quesoa Porobo Dessai was member of the Board of midwifery course and attended 2 sittings; Licenciate Desiderio Antonio Jose da Graça Santana Costa Frias, was member of the Board for nursing course and attended 16 sittings; Dr. Manohar Porobo Tamba, was member of the Board

forme foi tornado extensivo ao território da União, de Goa, Damão e Dio, a «Fomento Employees Consumers Cooperative Society Ltd.», de Margão, é registada sob o n.º CON-37-/Goa.

S. S. Bhende, Registador Adjunto de Sociedades Cooperativas de Goa, Damão e Dio.

Pangim, 27 de Abril de 1965.

PRD-(a)-37-/Goa

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas, de Goa, Damão e Dio, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», conforme foi tornado extensivo ao território da União, de Goa, Damão e Dio, a «Shri Mahamaya Prasadik Kulal Udhog Cooperative Society Ltd.», de Bordém, Bicholim, é registada sob o n.º PRD-(a)-37-/Goa.

GEN-(c)-14-/Goa

No uso das faculdades conferidas ao Registador de Sociedades Cooperativas, de Goa, Damão e Dio, pelo artigo 9.º de «The Maharashtra Cooperative Societies Act, 1960», conforme foi tornado extensivo ao território da União, de Goa, Damão e Dio, a «Mormugao Fisheries Cooperative Society Ltd.», de Vasco da Gama, é registada sob o n.º GEN-(c)-14-/Goa.

T. A. Pratinidhi, Registador de Sociedades Cooperativas de Goa, Damão e Dio.

Pangim, 30 de Abril de 1965.

Instrução, Saúde Pública e Obras Públicas

Faculdade de Medicina de Goa

Portaria

A nomeação de Maria Ivone dos Remédios Gomes da Costa, assistente do grupo de Botânica geral e criptogâmica, Zoologia farmacêutica, História natural das drogas, Farmácia galénica e posologia, Técnica farmacêutica e História de farmácia, legislação e deontologia do curso farmacêutico da Escola Médico-Cirúrgica de Goa, é mantida por mais um ano, com efeito a partir de 28 de Abril de 1965, nos termos do artigo 18.º do Decreto n.º 35610, de 24 de Abril de 1946.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

B. K. Chougule, Secretário do Departamento de Indústrias e Trabalho.

Pangim, 13 de Maio de 1965.

Declaração

Na Faculdade de Medicina de Goa, realizaram-se os seguintes exames do curso de enfermagem, com as correspondentes chamadas:

Hospital da Santa Casa de Misericórdia de Ribandar, de 23 a 31 de Março e 30 de Abril de 1965 — 9 chamadas.

Hospital do Hospício do Sagrado Coração de Maria, de Margão, de 30 de Março a 7 de Abril e 22 e 23 de Abril de 1965 — 9 chamadas.

O Deão da Faculdade de Medicina de Goa, Dr. António Carlos Duarte Monteiro, presidiu a 7 chamadas; o Deão, interino, Dr. K. Raman, presidiu a 10 chamadas e o Dr. U. R. Warerkar presidiu a 1 chamada; Dr. Jacinto dos Milagres Estibeiro, foi vogal do júri de exames do curso de enfermagem e esteve presente a 1 chamada; Dr. Venctexa Quesoa Porobo Dessai, foi vogal do júri de exames do curso de parturírias e esteve presente a 2 chamadas; Licenciado Desidério António José da Graça Santana Costa Frias, foi vogal do júri de exames do curso de enfermagem e esteve presente a 16 chamadas; Dr. Manohar Porobo Tamba, foi vogal do júri de exames do curso de enfermagem e esteve presente a 8 chamadas.

for nursing course and attended 8 sittings; Dra. Escolástica Gracias do Amaral Peres, was member of the Board for midwifery course and attended 2 sittings and Dr. Fernando Peres was a member of the Board for nursing course and attended 7 sittings.

Goa Medical College at Panjim, 17th May, 1965.—A. C. Duarte Monteiro, Dean.

Finance Department

Order

F. 1/4-7/65-66/599/259

Read: Letter nos. DA/PA/VI/4811 dated 27th February, 1st March, 1965 and DA/PA/VI/176 dated 10th May, 1965 from the Director of Accounts, Panjim.

Sanction is hereby accorded for the payment of provisional annual pension of Rs. 6,768/- (Rupees six thousand seven hundred and sixty eight only) to Shri Lourenço Caetano Francisco de Assunta Almeida, Guarda-Livros (Accountant) of ex-Santa Casa da Misericórdia de Goa (now forming a part of the Health Services) who has been permitted to retire voluntarily from service with immediate effect, calculated in accordance with articles 445 and 447 of Civil Service Regulation and the limitation mentioned in its article 450, according to the basic pay corresponding to letter «L» granted by Order no. 7987 dated 9th March, 1961 and conferred on the same group by article 1 of the Decree no. 42 325 dated 16th June, 1959.

The sanction is subject to the condition that the pensioner pays the indemnity of Rs. 2,592/- (Rupees two thousand five hundred and ninety two only) according to article 4 of the said Decree no. 42 325 in 96 monthly instalments.

The expenditure is debitable to the head of accounts «65 — Pensions and other retirement benefits — A. Superannuation and retired allowances».

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

V. S. Srinivasagopalan, Deputy Secretary (Finance).

Panjim, 22nd May, 1965.

Departamento das Finanças

Portaria

F. 1/4-7/65-66/599/259

Ref: Notas n.º DA/PA/VI/4811, de 27 de Fevereiro, 1 de Março de 1965 e n.º DA/PA/VI/176, de 10 de Maio de 1965, do Director de Contabilidade, Pangim.

É autorizado o pagamento da pensão anual provisória de Rps. 6768/- (seis mil setecentas e sessenta e oito rupias) ao Sr. Lourenço Caetano Francisco de Assunta Almeida, guarda-livros da ex-Santa Casa da Misericórdia de Goa (presentemente fazendo parte dos Serviços de Saúde) que foi autorizado a aposentar-se, voluntariamente, com efeito imediato, calculada nos termos dos artigos 445.º e 447.º do Estatuto do Funcionalismo Ultramarino, com a limitação prevista no seu artigo 450.º, conforme o vencimento-base correspondente à letra L constante da Portaria n.º 7987, de 9 de Março de 1961, e atribuída ao mesmo grupo pelo artigo 1.º do Decreto n.º 42 325, de 16 de Junho de 1959.

A autorização está sujeita ao pagamento, por parte do pensionista, da indemnização de Rps. 2592/- (duas mil quinhentas e noventa e duas rupias) nos termos do artigo 4.º do citado Decreto n.º 42 325, em 96 prestações mensais.

O respectivo encargo será satisfeito pela verba «65 — Pensions and other retirement benefits — A. Superannuation and retired allowances».

Por ordem e em nome do Administrador do território da União de Goa, Damão e Diu.

V. S. Srinivasagopalan, Secretário adjunto (Finanças).

Pangim, 22 de Maio de 1965.

Department of Revenue and Taxes

Notification

Shri Alfredo Francisco Mendonça e Guedes, notification clerk of public prosecution of the Department of Revenue and Taxes—declared physically fit to continue in office for the purpose of article 136 of Civil Service Regulation, and in keeping with the decision of the Health Board expressed at the medical examination held on 1-5-1965, and confirmed on the same date.

Panjim, 17th May, 1965.—The Commissioner, Carmo de Noronha.

Law Department

Order

L.D. 212/65

In exercise of the powers conferred under section 37 of the Code of Criminal Procedure, 1898, the Lieutenant Governor of Goa, Daman and Diu hereby confers on all the Mamiltaidars in the District of Goa who are magistrates of the Second Class, the powers under section 164 of the said Code to record statements and confessions.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. Balakrishnan, Law Secretary.

Panjim, 24th May, 1965.

Departamento de Rendimentos e Impostos

Despacho

Alfredo Francisco Mendonça e Guedes, oficial de diligências das execuções fiscais do Departamento de Rendimentos e Impostos — confirmado o parecer da Junta de Saúde deste Estado, emitido em sua sessão de 1 de Maio de 1965, no sentido de que a sua validade física permite a continuação na actividade do serviço, para os fins do artigo 136.º do Estatuto do Funcionalismo Ultramarino.

Pangim, 17 de Maio de 1965.—O Comissário, Carmo de Noronha.

Departamento de Justiça

212/65

No uso das faculdades conferidas pelo artigo 37.º do «Code of Criminal Procedure, 1898», o Governador-tenente de Goa, Damão e Diu, confere em todos os Mamiltaidars no distrito de Goa, que são magistrados de 2.ª classe, os poderes para constatar depoimentos e confissões, ao abrigo do artigo 164.º do referido Código.

Por ordem e em nome do Governador-tenente de Goa, Damão e Diu.

S. Balakrishnan, Secretário de Justiça.

Panjim, 24 de Maio de 1965.

Industries and Labour Department

Order

LC/1/65

The following award given by the Industrial Tribunal on the Industrial Dispute between M/s V. M. Salgaonkar e Irmão Ltda., Vasco da Gama and the workmen employed thereunder is hereby published as required vide provisions of section 17 of the Industrial Disputes Act, 1947:—

Before Shri S. Taki Bilgrami, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) No. 1 of 1965

Adjudication

between

Messrs. V. M. Salgaonkar e Irmão Ltda., Vasco da Gama
and

The workmen employed under them.

In the matter of reinstatement of Shri J. N. Pinto, with full benefits of continuity of service, salary, etc. from 5th August 1964 to the date of reinstatement.

Appearances: Shri L. A. Correia, Administrative Manager, with Shri J. A. Kamat and Shri K. P. Lele, Labour Officers, for the Company.

Dr. Emerciano Leonardo Dias, President, Goa Trade & Commercial Workers Union, instructed by Shri George Vaz, Secretary and Shri J. N. Pinto, Treasurer, for the Workmen.

AWARD

This is a reference by the Government of Goa, Daman and Diu under Sec. 12(5) of the Industrial Disputes Act, XIV of 1947, for adjudication of a dispute between Messrs. V. M. Salgaonkar e Irmão Ltda., Vasco da Gama and the workmen employed under them, which arises out of the latter's demand for reinstatement of Shri J. N. Pinto a Semi Senior Clerk, with full back wages, and continuity of service.

2. The facts of the case which have given rise to this dispute are briefly as follows: On 14th May 1964 Shri J. N. Pinto, who is semi-senior clerk was asked by Shri Kunde, the Personal Assistant to the Chief Accountant and the Assistant Cost Accountant, to draw the usual monthly statement for March 1964. Shri Pinto in reply wrote back as follows:

«I need not require your instructions to carry out my duties allotted to me».

Shri Kunde reported this to the higher authorities. Shri Suktankar, the Chief Accountant, reported the matter to the Administration Department. Shri Pinto was told that in giving him directions Shri Kunde was discharging his duties, and he was wrong in insulting him, and the rude tone which he had adopted in his letter, amounted to disobedience. Ultimately Shri Pinto was charge sheeted, an inquiry was held and the Enquiry Officer having found the charge proved, Shri Pinto was discharged on 5th August 1964. At the enquiry Shri Pinto was examined and thereafter his witnesses Mr. M. F. Pais, Mr. J. Fernandez and Mr. S. J. Costa, and thereafter the witnesses on behalf of the management Mr. D. Pai, Mr. S. V. Gauncar and Mr. Bancar. According to the Union the enquiry was irregular and improper. The Administration Deptt. after inquiry came to the conclusion, that Mr. Pinto was guilty, and he was asked to apologise. Mr. Pinto in his reply pointed out on 23rd June 1964, that the inquiry was unilateral, and the question of his offering an apology or any steps being taken, against him does arise, the guilt must be first proved against him. Mr. Pinto was then charge sheeted for disobedience and using insulting language towards his superior officer. The reasons why the inquiry was irregular according to the Union are, that it was conducted by the Administration Manager, who has actually brought the charge against Mr. Pinto; the conclusion of the previous inquiry and its record were not shown to Mr. Pinto; and he was asked to put forward his defence before the company's witnesses were examined. It is also stated that Mr. Pinto was a protected workman, as the Union by its letter dated 27th July 1964, had sent his name, and requested that he should be recognised as a protected workman. It is also said that Mr. Pinto was an active member of the Union, and its Secretary, therefore he was being victimised.

3. The Company in its written statement denies that the inquiry was improper or irregular. Before charge sheeting Mr. Pinto, and starting the inquiry, the management made investigation in order to find out how far the complaint against Mr. Pinto was true. After it satisfied itself that there was substance in it, Mr. Pinto was charge sheeted. There was nothing irregular about this. At the inquiry the company said that Mr. Pinto was allowed to bring his witnesses, and to cross-examine the witnesses of the management. A charge sheet clearly setting forth all the charges and all the facts on which the charges were based was given, and explained to him. The inquiry was therefore fair and proper. A preliminary objection is also raised on behalf of the Company, that this is an individual dispute and therefore the Tribunal has no jurisdiction to entertain it.

4. The two legal objections raised by the parties must be decided first. So far as the Company's objection is concerned Mr. Correia contended that his dispute is not supported by the majority of the workmen, it was raised by the Goa Trade & Commercial Workers Union. The majority of the workers of this company are not members of that union, therefore this dispute cannot be considered as an industrial dispute. In support of this argument Mr. Correia cited 1965 I. L. L. J. p. 95 Nellai Cotton Mills and Labour Court, Madurai. This is a decision of a single bench of the Madras High Court. In this case, during the inquiry, a copy of the resolution of the Union was filed, to show, that the union had taken up the cause of the dismissed worker. The list of the workers in this resolution was not proved by any evidence. It was held, that a substantial number of the workmen from the establishment in which the concerned charged person was employed should support the dispute, and they must be members of the Union which had raised the dispute. In Bombay Union of Journalists and Ors. V. Hindu, 1961 I.L.L.J.p.436 which is a decision of the Supreme Court and Visalakshi Mills V. Labour Court & Anr., 1962 I.L.L.J.p.93, which is a decision of the Madras High Court it was held that in order that a dispute may be considered an industrial dispute, it should be sponsored by the Union, which had a substantial number of the employees in that particular establishment as its members, and they should support the dispute. More fact that a general union raised the dispute, which has only a few workmen from the establishment on its roll, is not sufficient. In the present case the dispute was raised by the Goa Trade & Commercial Workers Union. The question is, whether this union has a substantial number of workers in the establishment as its members.

I find that when the dispute was raised before the Labour Commissioner about the recognition of Mr. Pinto as a protected workman by this union, the Labour Commissioner had a notice displayed in the company's premises, calling upon registered unions other than this Union to appear and make any representations that they want. Within the stipulated period no other union appeared. This shows at least that there are no other rival unions of which the workers of this establishment are members. During the conciliation this question, as to the number of the workers who were union members was not raised. I allowed the Union to produce evidence to show that a substantial number of workmen from V. M. Salgaonkar E Irmão Ltda. in its head office were its members, and that they supported the dispute. The Union examined two witnesses, witness No. (1) is Shri Piroz who in the General Body Meeting of 25th August 1964 proposed that the dispute about reinstatement of Mr. Pinto should be raised, and No. (2) is Dr. Dias who was presiding at the meeting, and who is still the President of the Union. That this resolution which was unanimously adopted and passed at the meeting is proved by the evidence of these two witnesses (Ex.U/1). Both these witnesses say that considerable number of workers in this establishment are its members. Shri Correia says, that the burden of proof lay on the Union, and it was its duty to produce its membership roll, the number of workers from the head office of the company who were its members, and failure to do this, will give rise to a presumption against it. He also points out, that the total number of workers shown as being present at the meeting are 56 and they include according to the witnesses, workers, who were employed in other establishments. The total number of workers in the office were more than 200, according to these very witnesses, therefore it cannot be said, that the majority supported the resolution. In my opinion it is not necessary to prove, that the majority of the workers in any concern actually supported the dispute. It is also not necessary for the Union to prove, the actual number. In a General Body Meeting of the members of the Union, all members of the Union are generally not present, but if the quorum is complete, the resolutions which are passed are binding on other members, who are not present. It is not necessary for the Union to prove that the meeting in which the resolution was passed was attended by the majority of the

workers of that particular establishment whose employee's case was sponsored by the workmen. The words used in the decisions, relied on by Shri Correia are «substantial number» which does not necessarily mean the majority, all that it means is that only 1 or 2 members supporting being members of that particular union is not sufficient. I, therefore do not think that this dispute can be considered as an individual and /or an industrial dispute. In any case it is not necessary to decide the point as the demand fails on merits.

5. The legal objection raised by the Union also in my opinion has no force. The name of Mr. Pinto was sent in July 1964 which means that it was intended that he should be recognised as a protected workman for the following year. The list according to Rule 61 of the Industrial Disputes (Central) Rules has to be submitted by the end of Sept. each year. The question of this being a protected workman in May 1964 therefore does not arise for at that time the union did not exist.

6. I shall not proceed to consider the merits of the case. So far as the propriety of the inquiry is concerned, I think the procedure adopted by the management in making the inquiry is wholly wrong. They examined Mr. Pinto and his witnesses first, and then the management's witnesses in support of the charge. Mr. Pinto was not given an opportunity to explain the evidence against him, or to rebut what these witnesses had stated. This irregularity would have proved fatal, and would have vitiated the whole inquiry but for the fact that the witnesses were allowed to cross examine by Shri Pinto, and that, the misconduct with which Mr. Pinto was charged was admitted by him, so that no reliance need be placed on the statement of the witnesses examined by the management to prove the charge. The question of irregularity in the inquiry and violation of the principles of natural justice is a question of substance, and not of mere form. In regard to this the following observations of the Mysore High Court in United Karnatak Insurance Co. Ltd., and Goverdham Rab, 1961 I.L.L.J. p. 472, may be cited:

«The essence of natural justice is rendering justice. By no means it is a mere dogma or ritual to be adhered to and observed irrespective of the consequences. It can not, unless it has been laid down as a statutory requirement or otherwise made binding, be urged as a ground by itself to invalidate a decision irrespective of its merits. If the Court is satisfied that the impugned decision is essentially just, then the same cannot be set aside on the excuse that no respect to principles of natural justice had been shown in arriving at the decision ...».

The misconduct consists in writing the letter which is admitted. The instructions which were given to Mr. Pinto by Mr. Kunde the Asstt. Cost Accountant and the Personal Assistant to the Chief Accountant were as follows:

«Please draw your usual monthly statement for March 1964».

To this Shri Pinto answered «I need not require your instructions to carry out my duties allotted to me». This was certainly rude. There is no doubt that Mr. Kunde is a superior officer so far as matters of accounts are concerned and has been shown as Asstt. Cost Accountant and Personal Assistant in the Accounting Manual (Ex. C/4). There is a Circular of the Management to the Accounts Dept. Staff dated 14th March 1962 (Ex. C/2) in which the management has directed the staff to observe discipline, and carry out the orders of their superior. The last para of this circular is as follows:

«I would also like to make here special reference to the post of 'personal assistant' which I mean to continue to maintain and all the staff members are required to carry out the instructions which I shall convey from time to time through him».

This shows that according to the office arrangement the clerks doing the work of accounts have to carry out the orders of the Personal Assistant, who at the time of the misconduct in question was Mr. Kunde. Mr. Pinto's first contention is that he was not aware that Mr. Kunde had any authority to make any such orders and he questioned it without any intention of being rude or insulting. When he was charged with insubordination and asked to apologise, he wanted to be satisfied first, whether he has been guilty of any insubordination or not. The management was unable to convince him on this point, and charged him with misconduct, without giving him an opportunity to explain and apologise. The Circular (Ex. C/2) has been signed by Mr. Pinto, and he has admitted his signature on it at the time of the hearing. He ought to have known that the directions of Mr. Kunde who was then the Personal Assistant, must be obeyed. Worker's

are not expected to question the authority of their superiors and ask them when they give an order to prove, their authority. No discipline could be maintained if they are allowed to do this. It is argued by Mr. Dias on behalf of Mr. Pinto that the Circular says, that the directions must emanate from the Chief Accountant, the Personal Assistant had no authority to give any directions on his own initiative. Mr. Pinto says that for many years he has been receiving instructions directly from the Chief Accountant and he wanted to produce notes at the time of the inquiry to illustrate this, but the enquiry officer refused to look into these letters. I sent for these letters. They are marked Ex.U/2. I do not think they can be of much help to Mr. Pinto. Merely because instructions were given directly by the Chief Accountant for many years it does not mean that no directions can be given by the Personal Assistant, when the Chief Accountant himself after the order was given had told Mr. Pinto, that he had the authority to do so. In the first place I think that a clerk subordinate to the Personal Assistant cannot in case of every order, demand that he should be satisfied that it has come from the Chief Accountant. Apart from this, after the order was made, and Mr. Pinto wrote the reply, he was called by the Chief Accountant Mr. Suktankar, and told, that the order should be obeyed. [See Inquiry papers p. (1)]. Mr. Pinto, even then showed no readiness to obey the order, or to apologise, but insisted on repeating that Mr. Kunde had no business to pass any order. The refusal to obey the order and the writing of a rude letter therefore, cannot be justified on the grounds urged by Shri Dias. On 16th June 1964 after Mr. Pinto had submitted his explanation, he was asked by Mr. Kamat to submit an apology, but he refused to do so (See his letter dated 23rd June 1964). At this time all doubts about the authority of Mr. Kunde were dispelled, he was told that he had the authority to make the order. If his refusal was merely on the ground that Mr. Kunde had no authority he would have had no hesitation in obeying or apologising when he learnt that he was mistaken. I cannot also accept the contention of Mr. Dias that Mr. Pinto was given no opportunity to apologise, but was forthwith given the order of discharge. This defence cannot be sustained in view of his letter dated 23rd June 1964 and Mr. Kamat's letter referred to above. The enquiry took place long after this. Mr. Pinto has also made a grievance of the fact, that the inquiry was not made till 2 months after the incident. There is no ground for this. It appears that the management was first of all investigating the matter, and satisfied itself and then appeared willing to contend itself with obtaining apology from Mr. Pinto, but as this was refused, they had no other alternative but to hold the inquiry.

7. Now coming to the question of victimisation, it is said on behalf of Mr. Pinto, that there were no trade unions in existence prior to liberation, and when they were organised, and recognised, and the workers became conscious of their rights, and started asserting them, the employers began the persecuting and victimising the workers who took part in union activities. Mr. Dias says, that the Union was formed in July 1964, and soon after it elected its office bearers Mr. V. M. Salgaokar, M/s Chowgule and other employers, dismissed, or discharged, or transferred, to some distant places, the office bearers of the Union. The fact that all these steps were taken soon after these workers started their union activities, clearly shows, that these actions were taken to victimise the workers. Mr. Pinto's discharge also forms part of this scheme of systematic victimisation carried out by the employers. I cannot accept the bare statement across the bar in this regard, and on the basis of it, hold, that the management was inspired with a desire to victimise Mr. Pinto. Apart from this it appears from the correspondence with the Administration Department that the management had decided to take steps against Mr. Pinto before the Union was formed, and before Mr. Pinto's name was submitted as a protected workman. Soon after the letter was written Mr. Suktankar on 14th May appears to have taken a serious view of the matter. It is only after Mr. Pinto persisted and refused to apologise, that the proceedings against him were commenced I think under these circumstances the management had no choice but to take action against him. In addition to what I have said above, I may add another reason for not considering this action as victimisation. When the misconduct is proved, the question of victimisation does not arise. It is only when a wrongful punishment or excessive punishment is inflicted, that the question of victimisation arises. I am supported in this view by a decision of the Calcutta High Court in National Tobacco Co. of India Ltd. and Fourth Industrial Tribunal, 1960 I.L.L.J.p.175. Taking part in activities of the Union may furnish a motive for victimisation, but when the charge is justified, and there is no victimisation, you cannot presume it because a motive for it exists. A worker by taking part in activities of the Union or holding office in it, cannot become

a privileged person, who can commit any misconduct with impunity. If the misconduct is proved against such a worker, the punishment will not be considered as victimisation.

8. Lastly we come to the question whether the punishment inflicted in the present case is excessive. It is true that casual or trivial acts of insubordination are not sufficient for dismissal, or discharge, but this will depend upon the circumstances of each case. It cannot be laid down as a general rule that a single act of disobedience of the order, or insubordination, or rude behaviour towards a superior, is not sufficient for discharge of dismissal. In the present case if Mr. Pinto had apologised or retracted the rude remarks in his letter, the punishment of discharge could have certainly been considered as excessive. The test in each case, is, whether insubordination or disobedience of the orders was such as to cause indiscipline to spread if not adequately punished. In a fit of temper a worker may make a rude remark or refuse to obey an order. Everyone is subject to such moods, but if the worker is unrepentant, and persists in being rude, or in refusing to apologise, inspite of being given an opportunity, then it must be said that in the interest of maintaining discipline, the management is justified in dispensing with his services. It is possible that the Company disapproved Mr. Pinto's joining this union, and taking part in its activities, but Mr. Pinto has also laid himself open to infliction of punishment by his conduct and he cannot say, that the action was based on malice and was not justified. It must be remembered that the first duty a servant is to obey the orders which his master is justified in giving. Wilful and unjustifiable refusal to obey such orders must if the workers persists in his refusal, be considered a serious misconduct.

9. It must be remembered that the scope of the power to interfere in the management's order is very limited for a Tribunal. Their Lordships of the Supreme Court in the Indian

Iron and Steel Co.v. Their workmen, 1958 I. L. L. J. p. 261 (at pages 269 and 270) have observed as follows:

«Undoubtedly the management of a concern has power to direct its own internal administration and discipline; but the power is not unlimited and when a dispute arises, industrial tribunals have been given the power to see whether termination of service of a workman is justified and give appropriate relief. In the cases of dismissal on misconduct, the tribunal does not however act as a Court of appeal and substitute its own judgment for that of the management. It will interfere

- (i) When there is want of good faith,
- (ii) When there is victimization and unfair labour practice.
- (iii) When the management has been guilty of a basic error or violation of a principle of natural justice, and
- (iv) When on the materials, the finding is completely baseless or perverse».

The Tribunal cannot sit as a Court of Criminal Appeal to see if the misconduct is proved beyond reasonable doubt, and go minutely into the evidence. If any of the grounds set out above are not made out it cannot interfere. In the present case in my opinion for the reasons given above, they do not exist. The demand in the reference is therefore rejected.

S. TAKI BILGRAMI
Industrial Tribunal

Bombay, 11th May, 1965.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 25th May, 1965.